

The Honorable BRIAN D. LYNCH  
Chapter 7 Proceeding  
Hearing Date: May 8, 2019  
Hearing Time: 9:00 a.m.  
Response Date: May 1, 2019  
Tacoma, Washington

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In Re:

MAGGIE BOLAND,

Debtor,

Bankruptcy Case No.: 18-41253

MOTION TO APPROVE COMPROMISE  
OF UIM CLAIM AND PAYMENT OF  
SPECIAL COUNSEL FEES

**COMES NOW**, the Trustee, Mark D. Waldron, by and through his attorneys, Law Offices of Mark D. Waldron, PLLC and moves this Court for an order approving compromise of the UIM claim and payment of special counsel fees as follows:

1. The debtor, at the time of filing Chapter 7 had a pending personal injury claim relating to an auto accident which occurred on November 29, 2017.

2. The trustee applied to the Court to appoint a personal injury attorney. Special Counsel, Law Offices of Harold Carr Law Group, PLLC, were appointed to represent the estate on a one-third contingency fee basis, plus costs, subject to Court approval, to resolve this claim.



1           3. The trustee previously received an offer to settle and compromise the third party  
2 claim for the policy limits of \$25,000.00. That motion to approve was filed March 14, 2019  
3 (docket #24).

4           4. All liens and expenses are proposed to be paid through the third party  
5 settlement.

6           5. The trustee proposes to accept the additional settlement offer for the UIM claim,  
7 sign a release and distribute the \$12,500.00 as follows:

Proposed Settlement		\$12,500.00
---------------------	--	-------------

Special Counsel (fees)	\$ 4,166.25	
		<u>(4,166.25)</u>

<b>Bankruptcy Estate</b>		<b><u>\$8,333.75</u></b>
--------------------------	--	--------------------------

12           6. The debtor has listed this claim in the schedules and claimed an exemption in  
13 the amount of \$23,675.00 under 11 USC §522 (d)(11)(D) and \$12,580.00 under 11 USC  
14 §522 (d)(5). The trustee timely filed an objection, however, that matter has not been set  
15 for hearing. The trustee anticipates paying the (d)(5) exemption of \$12,580 leaving  
16 \$7,212.17, subject to the (d)(11)(D) dispute.

17           7. This proposed settlement is for UIM claim only (approval for the third party  
18 settlement in the amount of \$25,00000 has be filed with this Court) . It is the belief and  
19 recommendation of the special counsel that this compromise be approved. Special counsel  
20 is a well-experienced personal injury attorney.

21           8. The trustee proposes to accept the \$12,500.00 settlement, sign a release of the  
22 claim, and pay the special counsel fees, as set forth above.

23           9. The trustee believes that this compromise is in the best interest of the estate  
24



1 and its creditors. Therefore, the trustee proposes that the Court authorize a compromise  
2 and settlement as set forth above.

3 **DATED** this 9<sup>th</sup> day of April, 2019.

4 Law Offices of Mark D. Waldron, PLLC

5  
6 /s/ Mark D. Waldron  
7 MARK D. WALDRON (WSBA #9578)  
8 Attorney for Trustee  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

